

# Notice of Allowability

Application No.

09/583,943

Examiner

Natalie A. Pass

Applicant(s)

BROWN ET AL.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Decision by the Board of 17 March 2005.
2. ☒ The allowed claim(s) is/are 1-9 and 11-66.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
JOSEPH THOMAS

SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 3600

**DETAILED ACTION**

***Notice to Applicant***

1. This communication is in response to the Decision by the Board filed 17 March 2005.

Claims 1-9 and 11-66 are pending.

***Allowable Subject Matter***

2. The following is an examiner's statement of reasons for allowance:

Claims 1-9 and 11-66 are allowed. The following is an examiner's statement of reasons for allowance:

Independent claims 1, 14, 27, 40, 49, and 58 are directed to a method and system for monitoring current health and environmental parameters for a user, establishing a priority to a plurality of actions that the user can select from, determining a priority level at which designated allowances are available for each of the actions, and selecting suitable times for scheduling the plurality of tasks in view of the current health parameters and designated allowances.

The closest prior art of record, Raymond et al, U.S. Patent Number 5, 778, 882, teaches automatically monitoring current health and environmental parameters for a user, including a plurality of monitored physical parameters and a plurality of monitored environmental parameters. However Raymond does not teach prioritizing a plurality of actions that the user can select from, determining a priority level at which designated allowances are available for each of

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the actions, and selecting suitable times for scheduling the plurality of tasks in view of the current health parameters and designated allowances. Trudeau et al, U.S. Patent Number 5, 980, 447, teaches user tasks but the tasks are not prioritized, and Trudeau teaches alternative treatments that can be chosen by the user, but does not teach determining a priority level at which sufficient allowances are available for each action in view of the designated allowances or selecting suitable times for scheduling the tasks in view of the current health parameters and designated allowance for the specific user.

In the decision by the Board of Patent Appeals and Interferences mailed 17 March 2005, the prior rejections of claims 1-9 and 11-66 were reversed. The reason for the reversal of method claims 1 and 40 was, as noted by the Board at pages 7-8 of their decision mailed 17 March 2005, that although the closest prior art references, Raymond et al, U.S. Patent Number 5, 778, 882, and Trudeau et al, U.S. Patent Number 5, 980, 447, both teach monitoring health of individuals, that both, alone and in combination, fail to disclose “determining a priority level at which sufficient allowances are available for of said plurality of actions in view of said designated allowances” or “selecting suitable times for scheduling said plurality of tasks in view of said current health parameters and designated allowance for said particular user.”

The reason for the reversal of system claims 14 and 49 was, as noted by the Board at pages 7-8 of their decision mailed 17 March 2005, that although the closest prior art references, Raymond et al, U.S. Patent Number 5, 778, 882, and Trudeau et al, U.S. Patent Number 5, 980, 447, both teach monitoring health of individuals, that both, alone and in combination, fail to disclose “determining a priority level at which sufficient allowances are available for of said

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plurality of actions in view of said designated allowances” or “selecting suitable times for scheduling said plurality of tasks in view of said current health parameters and designated allowance for said particular user.”

The reason for the reversal of the program residing on a computer usable medium having computer readable program code means claims 27 and 58 was, as noted by the Board at pages 7-8 of their decision mailed 17 March 2005, that although the closest prior art references, Raymond et al, U.S. Patent Number 5, 778, 882, and Trudeau et al, U.S. Patent Number 5, 980, 447, both teach monitoring health of individuals, that both, alone and in combination, fail to disclose “determining a priority level at which sufficient allowances are available for of said plurality of actions in view of said designated allowances” or “selecting suitable times for scheduling said plurality of tasks in view of said current health parameters and designated allowance for said particular user.”

Claims 2-9, 11-13, 15-26, 28-39, 41-48, 50-57, and 59-66 incorporate the features of claims 1, 14, 27, 40, 49, and 58 through dependency, and are also allowed for the same reasons given above.

Examiner interprets “automatically monitoring current health parameters,” and “monitoring current health parameters for a particular user at a personal health monitoring system,” as recited in method claims 1 and 40 respectively, as being implemented on a computer, and therefore statutory subject matter.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied reference (EP 342859 A2) teaches the environment of monitoring health parameters, however fails to disclose all the limitations claimed.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie A. Pass whose telephone number is (571) 272-6774. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (571) 272-6776. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (571) 272-3600.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7. Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington D.C. 20231**

or faxed to: **(703) 305-7687.**


For informal or draft communications, please label  
"PROPOSED" or "DRAFT" on the front page of the communication  
and do NOT sign the communication.

After Final communications should be labeled "Box AF."



Natalie A. Pass

August 18, 2005

  
**JOSEPH THOMAS**  
**SUPERVISORY PATENT EXAMINER**  
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